

CLERK OF STATE COUF
GWINNETT COUNTY, GEORG
22-C-05773-S
10/11/2022 2:46 PI
TIANA P. GARNER, CLER

**IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

TODD MERCER and SHAWNEE)
MERCER,)
)
Plaintiffs,) CIVIL ACTION
)
v.) FILE NO. 22-C-05773-S2
)
)
CIRCLE K STORES, INC. and ABC)
CORPORATION,)
)
Defendants.)

COMPLAINT FOR DAMAGES

COME NOW TODD MERCER and SHAWNEE MERCER, Plaintiffs in the above-styled action, and file this Complaint for Damages against Defendants CIRCLE K STORES, INC. and ABC CORPORATION showing the Court as follows:

1.

Defendant CIRCLE K STORES, INC. (hereafter "Circle K") is a foreign profit corporation, with its principal office address being at 1130 West Warner Road, Building B, Tempe, Arizona, 85284. Circle K is registered and doing business in the State of Georgia, is a joint tortfeasor, and is subject to the jurisdiction of this Court. Per O.C.G.A. § 14-2-510(b), venue is proper as to this Defendant because Circle K's Registered Agent, Corporation Service Company, is located in Gwinnett County, Georgia, with said office being located at 2 Sun Court, Suite 400, Peachtree Corners, Georgia, 30092, where service may be perfected.

2.

Defendant ABC CORPORATION ("ABC Corp.") is or was a corporation whose complete name, principal address, and registered agent is unknown at this time. Upon information and belief,

ABC Corp. is a Georgia corporation and/or registered to conduct business within the State of Georgia and is a joint tortfeasor. When the name and principal address of ABC Corp. and the name and address of its registered agent are fully known, this Complaint will be amended to include that information, and the registered agent will be served as expeditiously as possible.

3.

Upon information and belief, at all times material hereto, Defendants Circle K and ABC Corp. (collectively, "Defendants") owned, occupied, leased, maintained, repaired, and/or controlled the Circle K store and its surroundings located at 5646 Highway 20 Southeast, Cartersville, Georgia, 30121 (the "Property"). Accordingly, Defendants owed a duty of ordinary care to Plaintiff Todd Mercer to keep the Property reasonably safe.

4.

On January 23, 2022, Plaintiff Todd Mercer ("Plaintiff" or "Mr. Mercer") stopped at the Property during regular business hours to fill up his vehicle when he slipped and fell on a wet, icy surface.

5.

At all times material hereto, Mr. Mercer was on the Property and at the Circle K store for a lawful purpose and was therefore an invitee of Defendants.

6.

Mr. Mercer slipped on a wet, icy surface on or near the gas station pumps, suffering serious injuries from the fall.

7.

There were no signs, warnings, or indications of dangerous conditions at the area of the Property where Mr. Mercer fell.

8.

Mr. Mercer's injuries were the direct result of the hazardous and/or defective condition posed by the slippery surface area on the Property. Said hazardous and/or defective condition represented a danger to Property invitees which Defendants Circle K and ABC Corp. (collectively, "Defendants"), individually and/or by and through their employees or agents, should have been or were aware of, and corrected the condition or warned their invitees such as Mr. Mercer.

9.

Defendants had actual knowledge of the hazardous and/or defective condition caused by the water leak on the Property but failed to post any signage warning patrons of the hazardous conditions.

10.

To the extent Defendants did not have actual knowledge of the dangerous and defective condition, they had constructive knowledge of the hazardous and/or defective condition caused by the water leak on the Property and failed to warn patrons such as Plaintiff Todd Mercer of the hazardous condition.

11.

Mr. Mercer's injuries were the direct result of Defendants' failure to have signs, warnings, or indications on the Property, Defendants' failure to inspect and maintain the premises to cure it of hazardous and/or defective conditions, and/or Defendants' failure to keep and maintain the Property according to applicable standards.

12.

Defendants breached their duty to exercise ordinary care to keep the premises safe by failing to properly inspect and maintain the premises to cure it of hazardous and or/defective conditions and/or by failing to keep and maintain the premises according to applicable standards.

13.

As a direct and proximate result of Defendants' negligence, Mr. Mercer suffered physical and mental injuries, including but not limited to, bodily injuries, permanent impairment and damages, past, present, and future pain and suffering, mental anguish, loss of enjoyment of life, and other damages, for which he respectively requests recovery in an amount to fully compensate him for said injuries and damages in the enlightened conscience of a fair and impartial jury. To date, Mr. Mercer's special damages are not less than \$22,659.00.

14.

At all times relevant to this incident, Plaintiff was exercising ordinary and reasonable care and was in no way comparable or contributorily negligent.

15.

At all times relevant hereto, Plaintiffs Todd Mercer and Shawnee Mercer enjoyed the fruits of a marital relationship.

16.

Because of the Defendants' negligence, Plaintiffs' marital relationship was negatively impacted, the damages for which Shawnee Mercer may recover.

17.

Plaintiffs, by and through counsel, notified Defendants of Plaintiffs' claim and requested Defendants preserve any and all physical evidence related to Mr. Mercer's injury, such as video

recordings of the area where the Incident occurred, including recordings from video surveillance or cameras which may record the exterior area of the Property.

18.

Defendants have been stubbornly litigious, acted in bad faith, or have caused Plaintiffs unnecessary trouble and expense; therefore Plaintiffs are further entitled to expenses of litigation pursuant to O.C.G.A. § 13-6-11 *et seq.*

WHEREFORE, Plaintiffs pray for relief as follows:

- a) That summons issue requiring Defendants to be and appear as provided by law to the allegations of this Complaint;
- b) That judgment enter in favor of Plaintiffs and against Defendants in an amount within the enlightened conscious of a the jury, and sufficient to fully and justly compensate Plaintiffs for pain and suffering, personal injuries, permanent injury and impairment, medical expense, loss of consortium, and all other elements of damages allowed by Georgia law;
- c) That all costs be cast against Defendants;
- d) For a trial by jury; and
- e) For such other and further relief as this Court shall deem just and appropriate.

Respectfully submitted this 11th day of October, 2022.

THE JEWKES FIRM, LLC

P.O. Box 2593
Peachtree City, GA 30269
(770) 771-5130
(478) 202-7603 (facsimile)

/s/ Jordan Jewkes
Jordan M. Jewkes
Georgia Bar No.: 940491
Ava K. Standard
Georgia Bar No.: 668928

Attorneys for Plaintiffs

jordan@jewkesfirm.com
ava@jewkesfirm.com

CLERK OF STATE COURT
GWINNETT COUNTY, GEORGIA
22-C-05773-S
10/11/2022 2:46 PM
TIANA P. GARNER, CLERK

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

TODD MERCER and SHAWNEE MERCER

CIVIL ACTION 22-C-05773-S2
NUMBER _____

PLAINTIFFS

VS.

CIRCLE K STORES, INC. and ABC
CORPORATION

DEFENDANT

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

Circle K Stores
c/o Corporation Service Company
2 Sun Court, Suite 400
Peachtree Corners, GA 30092

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Jordan M. Jewkes
The Jewkes Firm, LLC
PO Box 2593
Peachtree City, Georgia 30269
(770) 771-5130
(478) 202-7603 (FAX)
GA Bar Number: 940491

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This _____ day of _____, 2022.
12th day of October, 2022

Tiana P. Garner

Clerk of Gwinnett State Court

BY

Deputy Clerk

Carol C Lutland

**IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

TODD MERCER and SHAWNEE)
MERCER,)
)
Plaintiffs,) CIVIL ACTION
) 22-C-05773-S2
v.) FILE NO. _____
)
)
CIRCLE K STORES, INC. and ABC)
CORPORATION,)
)
Defendants.)

RULE 5.2 CERTIFICATE OF SERVICE

The undersigned does hereby certify that **PLAINTIFFS' NOTICE OF DEPOSITION, FIRST INTERROGATORIES, REQUEST FOR PRODUCTION OF DOCUMENTS, AND REQUEST FOR ADMISSIONS TO DEFENDANT CIRCLE K STORES, INC.** was caused to be served on registered agent **CORPORATION SERVICE COMPANY, 2 SUN COURT, SUITE 400, PEACHTREE CORNERS, GA**, together with a copy of the Complaint and Summons.

The undersigned does hereby certify that **PLAINTIFFS' FIRST INTERROGATORIES, REQUEST FOR PRODUCTION OF DOCUMENTS, AND REQUEST FOR ADMISSIONS TO DEFENDANT ABC CORPORATION**, will be served upon knowledge of appropriate party becoming known.

This 11th day of October, 2022.

THE JEWKES FIRM, LLC

/s/ Jordan M. Jewkes _____

Jordan M. Jewkes
Georgia Bar # 940491
Ava K. Standard
Georgia Bar # 668928

P.O. Box 2593
Peachtree City, GA 30269
(770) 771-5130
(478) 202-7603
jordan@jewkesfirm.com
ava@jewkesfirm.com

Attorneys for Plaintiff

General Civil and Domestic Relations Case Filing Information Form

Superior or State Court of Gwinnett State Court County

For Clerk Use Only

Date Filed MM-DD-YYYY

Case Number 22-C-05773-S2

Plaintiff(s)

Mercer, Todd

Last	First	Middle I.	Suffix	Prefix
Mercer, Shawnee				
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix

Plaintiff's Attorney Jordan Jewkes**Defendant(s)**

Circle K Stores, Inc.

Last	First	Middle I.	Suffix	Prefix
ABC Corporation				
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix

State Bar Number 940491Self-Represented **Check one case type and one sub-type in the same box (if a sub-type applies):****General Civil Cases**

- Automobile Tort
- Civil Appeal
- Contempt/Modification/Other
- Post-Judgment
- Contract
- Garnishment
- General Tort
- Habeas Corpus
- Injunction/Mandamus/Other Writ
- Landlord/Tenant
- Medical Malpractice Tort
- Product Liability Tort
- Real Property
- Restraining Petition
- Other General Civil

Domestic Relations Cases

- Adoption
- Contempt
- Non-payment of child support, medical support, or alimony
- Dissolution/Divorce/Separate Maintenance/Alimony
- Family Violence Petition
- Modification
- Custody/Parenting Time/Visitation
- Paternity/Legitimation
- Support – IV-D
- Support – Private (non-IV-D)
- Other Domestic Relations

Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number _____

Case Number _____

I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required _____

Do you or your client need any disability accommodations? If so, please describe the accommodation request.

SHERIFF'S ENTRY OF SERVICE

Civil Action 22-C-05773-S2

 Superior Court Magistrate Court

Date Filed October 11, 2022

 State Court Probate Court

Georgia, GWINNETT County

Attorney's Address
AVA STANDARD/JORDAN JEWKES
THE JEWKES FIRM
P. O. BOX 2593
PEACHTREE CITY, GA 30269

TODD MERCER and SHAWNEE
MERCER,

Name and Address of Part to be Served
CIRCLE K STORES, INC.
c/o Corporation Service Company
2 Sun Court, Suite 400
Peachtree Corners, GA 30092

CIRCLE K STORES, INC. and ABC
CORPORATION,

RECEIVED
Plaintiff
Defendants
2022 OCT 18 PM 3:57

CIVIL DIV.
G.C.S.D.

FILED IN OFFICE
CLERK STATE COURT
GWINNETT COUNTY, GA
action
TIANAH GARNER CLERK
2022 OCT 21 AM 9:39

SHERIFF'S ENTRY OF SERVICE

PERSONAL

I have this day served the defendant _____ personally with a copy of the within and summons.

NOTORIOUS

I have this day served the defendant _____ by leaving a copy of the action and summons at his most notorious place abode in this County.
 Delivered same into hands of _____ described as follows:
age, about _____ years; weight _____ pounds; height _____ feet and _____ inches, domiciled at the residence of defendant

CORPORATION

I have this day served the defendant CIRCLE K STORES INC a corporation by leaving a copy of the within action and summons with Alisha Smith in charge of the office and place of doing business of said Corporation in this County.

TACK & MAIL

I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

NON EST

Diligent search made and defendant _____ not to be found in the jurisdiction of this Court.

This 19 day of October 20

J. Williams 501189

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

TODD MERCER and SHAWNEE MERCER,

*

Plaintiffs,

* CASE NO. 22-C-05773-S2

v.

*

**CIRCLE K STORES, INC.
and ABC CORPORATION,**

* JURY DEMANDED

Defendants.

*

ANSWER AND DEFENSES OF DEFENDANT CIRCLE K STORES, INC.

COMES NOW the Defendant, Circle K Stores, Inc. ("Circle K"), by and through undersigned counsel, and in answer to Plaintiffs' Complaint for Damages, states as follows:

FIRST DEFENSE

In response to the specifically-enumerated paragraphs of Plaintiffs' Complaint for Damages, Circle K states as follows:

1. Circle K admits that it is a foreign profit corporation, registered and doing business in the State of Georgia, with a principal office address at 1130 West Warner Road, Building B, Tempe, Arizona, 85284. Circle K further admits that jurisdiction and venue are proper in the State Court of Gwinnett County, Georgia, and that Circle K's registered agent is located at 2 Sun Court, Suite 400, Peachtree Corners, Gwinnett County, Georgia 30092. Circle K denies the remaining allegations contained in Paragraph No. 1 of Plaintiffs' Complaint for Damages.

2. Circle K denies the allegations contained in Paragraph No. 2 of Plaintiffs' Complaint for Damages. No Defendant other than Circle K owned or operated the Circle K gas station located at 5646 Canton Hwy, Cartersville, Georgia 30121 on January 23, 2022.

3. Circle K denies the allegations contained in Paragraph No. 2 of Plaintiffs' Complaint for Damages. No Defendant other than Circle K owned or operated the Circle K gas

station located at 5646 Canton Hwy, Cartersville, Georgia 30121 on January 23, 2022. Circle K further denies the legal conclusions contained in Paragraph No. 3 of Plaintiffs' Complaint for Damages, but admits that O.C.G.A. § 51-3-1 imposes a duty on a premises owner to exercise ordinary care in keeping the premises and approaches safe for invitees.

4. Circle K is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph No. 4 of Plaintiffs' Complaint for Damages, which therefore stand denied.

5. Circle K admits that Plaintiff Todd Mercer was an invitee at the Circle K gas station located at 5646 Canton Hwy, Cartersville, Georgia 30121 on January 23, 2022. Circle K denies the remaining allegations contained in Paragraph No. 5 of Plaintiffs' Complaint for Damages.

6. Circle K denies the allegations contained in Paragraph No. 6 of Plaintiffs' Complaint for Damages.

7. Circle K denies the allegations contained in Paragraph No. 7 of Plaintiffs' Complaint for Damages.

8. Circle K denies the allegations contained in Paragraph No. 8 of Plaintiffs' Complaint for Damages.

9. Circle K denies the allegations contained in Paragraph No. 9 of Plaintiffs' Complaint for Damages.

10. Circle K denies the allegations contained in Paragraph No. 10 of Plaintiffs' Complaint for Damages.

11. Circle K denies the allegations contained in Paragraph No. 11 of Plaintiffs' Complaint for Damages.

12. Circle K denies the allegations contained in Paragraph No. 12 of Plaintiffs'

Complaint for Damages.

13. Circle K denies the allegations contained in Paragraph No. 13 of Plaintiffs' Complaint for Damages.

14. Circle K denies the allegations contained in Paragraph No. 14 of Plaintiffs' Complaint for Damages.

15. Circle K is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph No. 15 of Plaintiffs' Complaint for Damages, which therefore stand denied.

16. Circle K denies the allegations contained in Paragraph No. 16 of Plaintiffs' Complaint for Damages.

17. Circle K denies the allegations contained in Paragraph No. 17 of Plaintiffs' Complaint for Damages as pled.

18. Circle K denies the allegations contained in Paragraph No. 18 of Plaintiffs' Complaint for Damages.

SECOND DEFENSE

Plaintiffs' Complaint for Damages fails to state a claim upon which relief can be granted, and, therefore, should be dismissed.

THIRD DEFENSE

Plaintiff Todd Mercer so carelessly and negligently conducted himself that he, by his own negligence, contributed directly and proximately to his own injuries. Plaintiff's fault is greater than that of Circle K, if Circle K is at fault at all, and therefore, Plaintiff should recover nothing from Circle K. In the alternative, Plaintiff's damages should be reduced in proportion to the percentage of negligence attributed to him.

FOURTH DEFENSE

Circle K pleads comparative fault in mitigation or bar of any recovery by Plaintiff Todd Mercer against Circle K, if any. Specifically, Circle K avers Plaintiff's own acts or omissions were such that they constitute negligence which caused or contributed to cause the accident and injuries alleged in the Complaint.

FIFTH DEFENSE

Plaintiff Todd Mercer's own comparative negligence in failing to use ordinary and reasonable care caused or otherwise contributed to his accident and bars his recovery in this case.

SIXTH DEFENSE

Plaintiff Todd Mercer had equal or superior knowledge of the alleged hazardous condition and, as such, Circle K cannot be held liable.

SEVENTH DEFENSE

Circle K and its agents, employees, and representatives did not breach any duty of care owed to Plaintiff Todd Mercer. Circle K exercised due care and diligence in all of the matters alleged.

EIGHTH DEFENSE

No act or omission of Circle K was the proximate cause of any damage, injury, or loss to Plaintiff Todd Mercer.

NINTH DEFENSE

Plaintiff Todd Mercer failed to take reasonable steps to minimize or prevent the damages he claimed to have suffered.

TENTH DEFENSE

Circle K denies "ABC Corporation" is a proper party to this action because "ABC

Corporation” was not an “owner” or “occupier” of land within the provision of O.C.G.A. § 51-3-1.

ELEVENTH DEFENSE

Upon information and belief, the unidentified non-party or non-parties who caused the water leak on the premises as alleged in Plaintiff’s Complaint for Damages so carelessly and negligently conducted themselves that they, by their own negligence, contributed directly and proximately to Plaintiff’s injuries. The unidentified non-party or non-parties’ fault is greater than that of Circle K, if Circle K is at fault at all, and therefore Plaintiff’s damages should be reduced in proportion to the percentage of negligence attributed to the unidentified non-party or non-parties.

TWELFTH DEFENSE

Circle K pleads modified comparative fault in mitigation or bar of any recovery by Plaintiff against Circle K, if any. Specifically, Circle K avers that the actions or omissions of the unidentified non-party or non-parties who caused the water leak on the premises as alleged in Plaintiff’s Complaint for Damages were such that they constitute negligence which caused or contributed to cause the accident and injuries alleged in the Complaint.

THIRTEENTH DEFENSE

Plaintiff’s alleged injuries were caused solely and proximately by the acts of third persons, specifically the unidentified non-party or non-parties who caused the water leak on the premises as alleged in Plaintiff’s Complaint for Damages. Such acts constitute the sole proximate cause of Plaintiff’s alleged injuries and serve to break the chain of causation between the alleged injuries and any alleged negligence of Circle K, which Circle K specifically denies.

FOURTEENTH DEFENSE

All allegations not heretofore admitted, explained, or denied are here and now denied as set forth as though specifically denied therein.

FIFTEENTH DEFENSE

Circle K reserves the right to amend its Answer to include such other and further defenses that later may become apparent through further investigation and discovery.

WHEREFORE, Circle K respectfully prays as follows:

- a) Plaintiffs' Complaint for Damages be dismissed on the grounds set forth above and all costs cast against Plaintiffs;
- b) In the alternative, that judgment be granted in favor of Circle K on all counts;
- c) That Circle K have a trial by twelve (12) jurors, as the law provides; and
- d) For such other and further relief that the Court deems just and proper.

This 18th day of November, 2022.

Respectfully submitted,

CARR ALLISON

By: /s/ Sean W. Martin
SEAN W. MARTIN, GA BAR #474125
STEPHEN A. SWANSON, GA BAR #759751
Attorneys for Defendant Circle K Stores, Inc.
736 Market Street, Suite 1320
Chattanooga, TN 37402
(423) 648-9832 / (423) 648-9869 FAX
swmartin@carrallison.com / sswanson@carrallison.com

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that on November 18, 2022, the foregoing document was electronically filed with the Clerk of Court using Odyssey Electronic Filing system, which will automatically send email notification of such filing to the following:

Jordan M. Jewkes, Esq.
Ava K. Standard, Esq.
P.O. Box 2593
Peachtree City, GA 30269

This 18th day of November, 2022.

By: /s/ Sean W. Martin
SEAN W. MARTIN, GA BAR #474125
STEPHEN A. SWANSON, GA BAR #759751

E-FILED IN OFFICE - MB
CLERK OF STATE COURT
GWINNETT COUNTY, GEORGIA
22-C-05773-S2
11/30/2022 2:59 PM
TIANA P. GARNER, CLERK

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

TODD MERCER and SHAWNEE MERCER,

Plaintiffs,

*

*

* CASE NO. 22-C-05773-S2

*

*

* JURY DEMANDED

*

*

*

**CIRCLE K STORES, INC.
and ABC CORPORATION,**

Defendants.

*

*

*

*

CERTIFICATE OF SERVICE OF DISCOVERY

COMES NOW, the Defendant, Circle K Stores, Inc. ("Circle K"), by and through undersigned counsel and pursuant to Uniform Rule 5.2(2) to certify the service of copies of the following documents to the Plaintiffs, Todd Mercer and Shawnee Mercer:

- Circle K's First Set of Interrogatories to Plaintiffs; and
- Circle K's First Set of Requests for Production of Documents to Plaintiffs.

Service of the foregoing documents was completed by placing copies of the same in a sealed envelope and mailing them, postage prepaid, to:

Jordan M. Jewkes, Esq.
Ava K. Standard, Esq.
P.O. Box 2593
Peachtree City, GA 30269

This 30th day of November, 2022.

Respectfully submitted,

CARR ALLISON

By: /s/ Stephen A. Swanson
SEAN W. MARTIN, GA BAR #474125
STEPHEN A. SWANSON, GA BAR #759751
Attorneys for Defendant Circle K Stores, Inc.
736 Market Street, Suite 1320
Chattanooga, TN 37402
(423) 648-9832 / (423) 648-9869 FAX
swmartin@carrallison.com
sswanson@carrallison.com

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that on November 30, 2022, the foregoing document was electronically filed with the Clerk of Court using Odyssey Electronic Filing system, which will automatically send email notification of such filing to the following:

Jordan M. Jewkes, Esq.
Ava K. Standard, Esq.
P.O. Box 2593
Peachtree City, GA 30269

This 30th day of November, 2022.

By: /s/ Stephen A. Swanson
SEAN W. MARTIN, GA BAR #474125
STEPHEN A. SWANSON, GA BAR #759751

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

TODD MERCER and SHAWNEE MERCER,

*

Plaintiffs,

* CASE NO. 22-C-05773-S2

v.

*

**CIRCLE K STORES, INC.
and ABC CORPORATION,**

* JURY DEMANDED

Defendants.

*

CERTIFICATE OF SERVICE OF DISCOVERY

COMES NOW, the Defendant, Circle K Stores, Inc. ("Circle K"), by and through undersigned counsel and pursuant to Uniform Rule 5.2(2), to certify the service of copies of Circle K's Response to Plaintiffs' Request for Admissions to Plaintiffs, Todd Mercer and Shawnee Mercer. Service of the foregoing documents was completed by placing copies of the same in a sealed envelope and mailing them, postage prepaid, to:

Jordan M. Jewkes, Esq.
Ava K. Standard, Esq.
P.O. Box 2593
Peachtree City, GA 30269

This 2nd day of December, 2022.

Respectfully submitted,

CARR ALLISON

By: /s/ Stephen A. Swanson
SEAN W. MARTIN, GA BAR #474125
STEPHEN A. SWANSON, GA BAR #759751
Attorneys for Defendant Circle K Stores, Inc.
736 Market Street, Suite 1320
Chattanooga, TN 37402
(423) 648-9832 / (423) 648-9869 FAX
swmartin@carrallison.com
sswanson@carrallison.com

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that on December 2, 2022, the foregoing document was electronically filed with the Clerk of Court using Odyssey Electronic Filing system, which will automatically send email notification of such filing to the following:

Jordan M. Jewkes, Esq.
Ava K. Standard, Esq.
P.O. Box 2593
Peachtree City, GA 30269

This 2nd day of December, 2022.

By: /s/ Stephen A. Swanson
SEAN W. MARTIN, GA BAR #474125
STEPHEN A. SWANSON, GA BAR #759751

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

TODD MERCER and SHAWNEE MERCER, *
*
Plaintiffs, * CASE NO. 22-C-05773-S2
*
*
* v. * JURY DEMANDED
*
CIRCLE K STORES, INC.
and ABC CORPORATION, *
*
* Defendants. *

CERTIFICATE OF SERVICE OF DISCOVERY

I hereby certify that I served a copy of Defendant Circle K Stores, Inc.'s Request for Production of Documents to the following entities on December 8, 2022, by placing the same in a properly addressed and stamped envelope in the US Mail to:

Precinct One Auto Sales	McDonald's
31 GA-20 Spur	5651 GA-20
Cartersville, GA 30121	Cartersville, GA 30121

Wendy's
5640 Hwy 20 SE
Cartersville, GA 30121

This 8th day of December, 2022.

Respectfully submitted,

CARR ALLISON

By: /s/ Stephen A. Swanson
SEAN W. MARTIN, GA BAR #474125
STEPHEN A. SWANSON, GA BAR #759751
Attorneys for Defendant Circle K Stores, Inc.
736 Market Street, Suite 1320
Chattanooga, TN 37402
(423) 648-9832 / (423) 648-9869 FAX
swmartin@carrallison.com
sswanson@carrallison.com

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that on December 8, 2022, the foregoing document was electronically filed with the Clerk of Court using Odyssey Electronic Filing system, which will automatically send email notification of such filing to the following:

Jordan M. Jewkes, Esq.
Ava K. Standard, Esq.
P.O. Box 2593
Peachtree City, GA 30269

This 8th day of December, 2022.

By: /s/ Stephen A. Swanson
SEAN W. MARTIN, GA BAR #474125
STEPHEN A. SWANSON, GA BAR #759751

**IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

TODD MERCER and SHAWNEE)
MERCER,)
)
Plaintiffs,)
) CIVIL ACTION
v.)
) FILE NO. 22-C-05773-S2
)
)
CIRCLE K STORES, INC. and ABC)
CORPORATION,)
)
Defendants.)

RULE 5.2 CERTIFICATE OF SERVICE

The undersigned does hereby certify that I have served the following:

- 1. PLAINTIFFS' RESPONSES AND OBJECTIONS TO DEFENDANT CIRCLE K STORES, INC.'S FIRST INTERROGATORIES; and**
- 2. PLAINTIFFS' RESPONSES AND OBJECTIONS TO DEFENDANT CIRCLE K STORES, INC.'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

by electronic means and/or via United States Mail with proper postage affixed thereto to ensure proper delivery and addressed as follows:

Sean W. Martin
Stephen A. Swanson
Carr Allison
736 Market Street, Suite 1320
Chattanooga, TN 37402
swmartin@carrallison.com
sswanson@carrallison.com
Attorneys for Defendant
Circle K Store, Inc.

This 25th day of January, 2023.

THE JEWKES FIRM, LLC

/s/ Jordan M. Jewkes

Jordan M. Jewkes
Georgia Bar # 940491
Ava K. O'Brien
Georgia Bar # 668928

P.O. Box 2593
Peachtree City, GA 30269
(770) 771-5130
(478) 202-7603
jordan@jewkesfirm.com
ava@jewkesfirm.com

Attorneys for Plaintiffs

E-FILED IN OFFICE - AK
CLERK OF STATE COURT
GWINNETT COUNTY, GEORGIA
22-C-05773-S2
2/14/2023 11:02 AM
TIANA P. GARNER, CLERK

TO: All Clerks of Court, All Judges and Counsel of Record
FROM: Jordan M. Jewkes
RE: Leave of Absence
Date: February 14, 2023

NOTICE OF LEAVE OF ABSENCE

COMES NOW Jordan M. Jewkes and respectfully notifies all judges before whom he has cases pending, all affected clerks of court, and all opposing counsel, that he will be on leave pursuant to Georgia Uniform Court Rule 16.

1. The period of leave during which time Applicant will be away from the practice of law is as follows:

February 21 – 24, 2023
April 3 – 7 and 17 – 21, 2023
June 12 – 16, 2023
November 20 – 24, 2023
December 18 – 29, 2023

2. The purpose of the leave is for family vacation and/or professional education.
3. All affected judges and opposing counsel shall have ten days from the date of this Notice to object to it. If no objections are filed, the leave shall be granted.

This 14th day of February, 2023.

THE JEWKES FIRM LLC

/s/ Jordan M. Jewkes

Jordan M. Jewkes
Georgia Bar No. 940491
Attorney for Plaintiffs

P.O. Box 2593
Peachtree City, GA 30269
(770) 771-5130
(478) 202-7603 (facsimile)
jordan@jewkesfirm.com

CERTIFICATE OF SERVICE

This is to certify that I have this day served the within and foregoing **NOTICE OF LEAVE OF ABSENCE** upon all judges, clerks and opposing counsel via the Court's electronic filing service and/or by U.S. Mail as follows:

Todd Mercer and Shawnee Mercer v. Circle K. Stores, Inc. and ABC Corp. Case No. 22-C-05773-S2	Judge Shawn F. Bratton Gwinnett County State Court	Sean W. Martin Stephen A. Swanson 736 Market Street, Suite 1320 Chattanooga, TN 37402
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This 14th day of February, 2023.

THE JEWKES FIRM, LLC

P.O. Box 2593
Peachtree City, GA 30269
(770) 771-5130
(478) 202-7603 (facsimile)

/s/ Jordan M. Jewkes
Jordan M. Jewkes
Bar No. 940491
Attorney for Plaintiffs

E-FILED IN OFFICE - AK
CLERK OF STATE COURT
GWINNETT COUNTY, GEORGIA
22-C-05773-S2
2/14/2023 11:07 AM
TIANA P. GARNER, CLERK

TO: All Clerks of Court, All Judges and Counsel of Record
FROM: Ava K. O'Brien
RE: Leave of Absence
Date: February 14, 2023

NOTICE OF LEAVE OF ABSENCE

COMES NOW Ava K. O'Brien and respectfully notifies all judges before whom she has cases pending, all affected clerks of court, and all opposing counsel, that she will be on leave pursuant to Georgia Uniform Court Rule 16.

1. The period of leave during which time Applicant will be away from the practice of law is as follows:

**April 3 – 7, 2023
May 18, 2023
July 24 – August 4, 2023
December 18 – 22, 2023**

2. The purpose of the leave is for family vacation and/or professional education.
3. All affected judges and opposing counsel shall have ten days from the date of this Notice to object to it. If no objections are filed, the leave shall be granted.

This 14th day of February, 2023.

THE JEWKES FIRM LLC

/s/ Ava K. O'Brien
Ava K. O'Brien
Georgia Bar No. 668928
Attorney for Plaintiffs

P.O. Box 2593
Peachtree City, GA 30269
(770) 771-5130
(478) 202-7603 (facsimile)
ava@jewkesfirm.com

CERTIFICATE OF SERVICE

This is to certify that I have this day served the within and foregoing **NOTICE OF LEAVE OF ABSENCE** upon all judges, clerks and opposing counsel via the Court's electronic filing service and/or by U.S. Mail as follows:

Todd Mercer and Shawnee Mercer v. Circle K. Stores, Inc. and ABC Corp. Case No. 22-C-05773-S2	Judge Shawn F. Bratton Gwinnett County State Court	Sean W. Martin Stephen A. Swanson 736 Market Street, Suite 1320 Chattanooga, TN 37402
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This 14th day of February, 2023.

THE JEWKES FIRM, LLC

P.O. Box 2593
Peachtree City, GA 30269
(770) 771-5130
(478) 202-7603 (facsimile)

/s/ Ava K. O'Brien
Ava K. O'Brien
Bar No. 668928
Attorney for Plaintiffs

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

TODD MERCER and SHAWNEE MERCER,

Plaintiffs,

*

*

* CASE NO. 22-C-05773-S2

*

v.

**CIRCLE K STORES, INC.
and ABC CORPORATION,**

Defendants.

*

*

* JURY DEMANDED

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CERTIFICATE OF SERVICE OF DISCOVERY

COMES NOW, the Defendant, Circle K Stores, Inc. ("Circle K"), by and through undersigned counsel and pursuant to Uniform Rule 5.2(2) to certify the service of copies of the following documents to the Plaintiffs, Todd Mercer and Shawnee Mercer:

- Circle K's Response to Plaintiffs' First Interrogatories; and
- Circle K's Response to Plaintiffs' Plaintiffs' Request for Production of Documents.

Service of the foregoing documents was completed by placing copies of the same in a sealed envelope and mailing them, postage prepaid, to:

Jordan M. Jewkes, Esq.
Ava K. Standard, Esq.
P.O. Box 2593
Peachtree City, GA 30269

This 16th day of February, 2023.

Respectfully submitted,

CARR ALLISON

By: /s/ Stephen A. Swanson
SEAN W. MARTIN, GA BAR #474125
STEPHEN A. SWANSON, GA BAR #759751
Attorneys for Defendant Circle K Stores, Inc.
736 Market Street, Suite 1320
Chattanooga, TN 37402
(423) 648-9832 / (423) 648-9869 FAX
swmartin@carrallison.com
sswanson@carrallison.com

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that on February 16, 2023, the foregoing document was electronically filed with the Clerk of Court using Odyssey Electronic Filing system, which will automatically send email notification of such filing to the following:

Jordan M. Jewkes, Esq.
Ava K. Standard, Esq.
P.O. Box 2593
Peachtree City, GA 30269

This 16th day of February, 2023.

By: /s/ Stephen A. Swanson
SEAN W. MARTIN, GA BAR #474125
STEPHEN A. SWANSON, GA BAR #759751